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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,142	12/20/2000	Ageishi Narutoshi	NAKI-BN40	7208
21611	7590	12/14/2005	EXAMINER	
SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,142

Applicant(s)

NARUTOSHI ET AL.

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 0905.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 18, 22 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) 7-17, 19-21 and 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 18, 22 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed September 9, 2005 have been fully considered but they are not persuasive. On pages 21-23 applicant argues that Nakata et al fails to disclose, suggest, or teach the following limitation: "editing information receiving means for receiving editing information from a client out of a plurality of clients via a network" as disclosed in independent Claim 1. It is noted that Nakata et al discloses the editing information is received from various clients through the network as servers are used for storing and transmitting data. As described in Paragraph 0010 the editing system is "a local hard disk or a network type editing system that shares server materials on a network so as to efficiently edit the server materials" and thereby meeting the limitation. Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 18, and 22, 26-29 are rejected under 35 U.S.C. 102(e) as being unpatentable by Nakata et al (US 2003/0091329).

**[claims 1, 18, & 22]**

In regard to Claims 1, 18, and 22 Nakata et al discloses a method and apparatus of editing server included in an audio/video (AV) editing system, which includes a plurality of clients that are connected via a network to the editing server, the editing server including:

- editing information receiving means for receiving editing information from a client out of the plurality of clients, wherein the editing information specifies at least one AV stream, at least one frame contained in the at least one AV stream, and an editing operation which contains at least one of (a) a combining of each specified frame, and (b) an addition of a special effect each specified frame (Figure 1 shows an editing processing unit that receives editing information from various components. Furthermore, editing information is seen in Figure 12, wherein one frame is selected and editing operations such as special effects are applied to the frame through the user interface seen in Figure 13. This is further described in Paragraphs 0180 – 0196);
- AV stream obtaining means for obtaining each specified AV stream (Figure 1 shows the CPU 2a which obtains specified AV stream data as further described in Paragraphs 0066-0067);

- editing means for performing the editing operation for the obtained AV streams in accordance with the received editing information (Figure 1 editing processing unit 3 performs the various editing operations to the AV data streams as further described in Paragraphs 0068-0070); and
- transmitting means for transmitting each AV stream, for which the editing operation has been performed, to the client (Figure 1 on-air buffer 9 and the computer are connected to a local area network for transmitting the AV streams as further described in Paragraphs 0077-0078).

In regard to Claim 22, Nakata et al additional discloses the limitation of a computer readable recording medium, which stores programs to a server computer as part of the system (Figure 1 shows the CPU 2a which has readable recording medium as further described in Paragraphs 0066-0068).

**[claim 2]**

In regard to Claim 2, Nakata et al discloses an editing server further including:

- AV stream storing means for storing at least one AV stream (Figure 1 shows the local storage 8 for storing of the AV stream as further described in Paragraph 0076);
- wherein when the received editing information specifies at least two AV streams, at least two video frames in the at least two AV streams, and the combining as the editing operation, the AV stream obtaining means reads the at least two specified AV streams from the AV stream storing means (Paragraphs 0144-0150 describes the receiving of editing information from

the local storage medium wherein two AV streams are obtained and read out of the storage area), and

- wherein the editing means performs the editing operation by combining the at least two specified video frames contained in the at least two read AV streams to generate an AV stream (Figure 15 shows the user able to select two AV streams to generate a new AV stream as further described in Paragraphs 0192-0199).

**[claim 3]**

In regard to Claim 3, Nakata et al discloses an editing server wherein as a result of the combining, the editing frame, and reduces a means generates a combined video resolution of the combined video frame (Paragraphs 0248-0255 describes the combining of editing frames which generates a combined video resolution of the edited frames).

**[claim 4]**

In regard to Claim 4, Nakata et al discloses an editing server further including:

- AV stream storing means for storing least one AV stream (Figure 1 storage medium 6a shows the storing means for the AV streams);
- wherein when the received editing information specifies the addition as the editing operation, the AV stream obtaining means reads the at least one specified AV stream from the AV stream storing means (Paragraphs 0074-0076 describes the obtained editing information is read from the storage means as further seen in Figure 1 lines 6b and 6c), and

- wherein the editing means performs the editing operation by adding a special effect to each specified frame contained in the at least one read AV stream (Figure 6 special effect block 53 adds special effects to the specified frame processed by the editing processing unit as further described in Paragraph 0127).

**[claim 5]**

In regard to Claim 5, Nakata et al discloses an editing server:

- wherein when the received editing information stream obtaining means receives the at least one specified AV stream from the client who sends the editing information (Figure 1 shows the receiving of editing information from the client through lines s3, s4); and
- wherein the editing means performs the editing operation by adding a special effect to each specified frame contained the at least one received AV stream (Figure 6 special effect block 53 adds special effects to the specified frame processed by the editing processing unit as further described in Paragraph 0127)..

**[claim 6]**

In regard to Claim 6, Nakata et al discloses an audio-video (AV) editing system which comprises the editing server and a plurality of clients that are connected via a network to the editing server, wherein the plurality of clients each include:

- editing information generating means for generating editing information, which specifies at least one AV stream, at least one frame contained in

the at least one AV stream, and an editing operation which contains at least one of (a) a combining of each specified frame and an addition of a special effect to each specified frame (Figure 1 shows an editing processing unit that receives editing information from various components. Furthermore, editing information is seen in Figure 12, wherein one frame is selected and editing operations such as special effects are applied to the frame through the user interface seen in Figure 13 and further combined to make a combined AV stream);

- editing information transmitting means for transmitting the generated editing information to the editing server (Figure 1 shows the connection of the server, computer, and clients through a local area network for transmitting the AV streams as further described in Paragraphs 0077-0078);
- stream receiving means for receiving an AV stream, for which the editing operation has been performed, from the editing server (Figure 1 shows the receiving of the AV streams to the storage medium 9, VTR 7, and local storage 8); and
- reproducing means for reproducing the received AV stream (Figure 1 shows the AV stream being transmitted to the VTR for reproducing of the received edited AV stream data).

[claims 26 & 27]



In regard to Claims 26 and 27, Nakata et al discloses a system to edit an audio/video (AV) stream, comprising:

- a plurality of editing clients in communication with a network (Paragraph 10 describes the network of clients); and
- an edit server in communication with the network, wherein the edit server is in communication with each of the editing clients via the network (Paragraph 0078 describes the edit server that communicates via the network), and wherein the edit server is configured to:
  - store a first AV stream received from a first editing client (Figure 1 shows the local storage 8 for storing of the AV stream as further described in Paragraph 0076);
  - store a second AV stream received from a second editing client (Figure 9 shows the plurality of storage of AV streams from various clients),
  - receive instructions from the first and second editing client for editing the first AV stream (Figure 15 shows the user able to select two AV streams to generate a new AV stream as further described in Paragraphs 0192-0199).,
  - receive instructions from the second editing client for editing the second AV Stream (Paragraphs 0074-0078),
  - edit the second AV stream according to the instructions received from the second editing client combine the edited first AV stream with the edited second AV stream to form a combined AV stream (Figure 1 shows the

connection of the server, computer, and clients through a local area network for transmitting the AV streams as further described in Paragraphs 0077-0078); and

- transmit the combined AV stream to the first editing client and the second editing client (Figure 1 on-air buffer 9 and the computer are connected to a local area network for transmitting the AV streams as further described in Paragraphs 0077-0078).

[claims 28 & 29]

In regard to Claims 28 and 29, Nakata et al discloses a computer-implemented method to edit an audio/video (AV) stream, comprising:

- storing, in an edit server, a first AV stream received from a first editing client in communication with the edit server via a network (Figure 1 shows the local storage 8 for storing of the AV stream as further described in Paragraph 0076 while the network process is described in Paragraph 0010);
- storing, in the edit server, a second AV stream received from a second editing client in communication with the edit server via the network (Figure 9 shows the plurality of storage of AV streams from various clients),
- receiving, by the edit server, instructions from the first editing client for editing the first AV stream (Figure 15 shows the user able to select two AV streams to generate a new AV stream as further described in Paragraphs 0192-0199).,;

- receiving, by the edit server, instructions from the second editing client for editing the second AV stream (Paragraphs 0074-0078);;
- editing, by the edit server, the first AV stream according to the instructions received from the first editing client, editing, by the edit server the second AV stream according to the instructions received from the second editing client combining, by the edit server, the edited first AV stream with the edited second AV stream to form a combined AV stream (Figure 1 shows the connection of the server, computer, and clients through a local area network for transmitting the AV streams as further described in Paragraphs 0077-0078); and
- transmitting, by the edit server, the combined AV stream to the first editing client and the second editing client (Figure 1 on-air buffer 9 and the computer are connected to a local area network for transmitting the AV streams as further described in Paragraphs 0077-0078).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

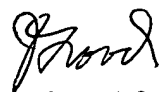
### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit-262 2616**